IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

Bail Appl..No. 7022 of 2006()

CC.519/2000 of C.J.M.,KASARAGOD(L.P.C.NO.5/04)
CRIME NO.65/2000 OF KASARGOD POLICE STATION

.....

: PETITIONER/ACCUSED

MOHAMMED BASHEER A.M.,
S/O. ABDULLA KUNHI, MOGOM HOUSE,
KULOOR VILLAGE, CHERALA POST, KASARAGOD.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENT/COMPLAINANT:

THE STATE OF KERALA, REPRESENTED BY
THE STATION HOUSE OFFICER,
KASARAGOD POLICE STATION, THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No.7022 OF 2006

DATED THIS THE **29th** DAY OF NOVEMBER, 2006

O R D E R

Petitioner, who is the 4th accused in Crime No.65/2000 of Kasargod Police Station for offences punishable under sections 143, 147, 148, 341, 323 and 324 read with section 149 IPC which was pending before the C.J.M., Kasargod as C.C.482/03 and now pending against the petitioner as L.P.C.No.5/04, seeks anticipatory bail.

2. Admittedly, non-bailable warrant of arrest is pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not seek regular bail after surrendering before the trial court. Accordingly, if the petitioner surrenders before the C.J.M., Kasargod and files an application for regular bail, within 10 days from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after examining the petitioner's contention that the matter has been settled and in C.C.No.519/2000, the remaining accused were acquitted.

With this observation, this petition is dismissed.

V.RAMKUMAR, JUDGE

dsn